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10/698,272	10/31/2003	Michael Borella	79512	1627

22242 7590 01/08/2008  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
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CHICAGO, IL 60603-3406

EXAMINER
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SANDOVAL, KRISTIN D

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/698,272

Applicant(s)

BORELLA ET AL.

Examiner

Kristin D. Sandoval

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24-32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24-32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-22, 24-32 and 34-36 are pending in this application and presented for examination. Claims 23 and 33 are cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 6, 2007 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments, see 37 DFR 1.132 affidavits and applicant's remarks, pg. 12, paragraphs 2-4, filed December 6, 2007, with respect to the rejection(s) of claim(s) 1-22, 24-32 and 34-36 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rosenberg et al. (Rosenberg).
4. The declaration under 37 CFR 1.132 filed December 6, 2007 is sufficient to overcome the rejection of claims 1-22, 24-32 and 34-36 based upon the 35 U.S.C. 102 rejection of Malkin.

#### ***Claim Rejections - 35 USC § 103***

Art Unit: 2132

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, and 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al., U.S. Patent No. 6,061,650, (hereinafter "Malkin") in view of Rosenberg et al. (Rosenberg), RFC 3261, SIP: Session Initiation Protocol.

Regarding **claim 1**: Malkin substantially teaches a method comprising:

receiving Link Control Protocol (LCP) compatible authentication message information as corresponds to an authentication message as sourced by a given subscriber (col. 2 lines 26-40);

converting the session initiation protocol compatible authentication message information into corresponding RADIUS protocol compatible authentication message information (col. 4 lines 27-28);

using the RADIUS protocol compatible authentication message information to facilitate authentication of the given subscriber (col. 4 lines 24-28).

Malkin fails to teach the use of Session Initiation Protocol. However, Rosenberg discloses the use of session initiation protocol. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to substitute the Link Control Protocol, as disclosed in Malkin, with the Session Initiation Protocol of Rosenberg since substitution would yield a predictable result.

Regarding **claim 2**: Malkin further discloses using a session initiation protocol compatible proxy to receive the session initiation protocol compatible authentication message information (col. 2 lines 49-57).

Regarding **claim 3**: Malkin further discloses using an authentication mediation server to convert the session initiation protocol compatible authentication message (col. 2 lines 49-57).

Regarding **claim 4**: Malkin further discloses using a physically discrete authentication mediation server (col. 2 lines 49-57).

Regarding **claim 6**: Malkin further discloses using a RADIUS server to use the RADIUS protocol compatible authentication message information to facilitate authentication of the given subscriber (col. 4 lines 24-28).

Regarding **claim 7**: Malkin further discloses using the RADIUS protocol compatible authentication message information to facilitate authentication of the given subscriber (col. 4 lines 24-28) with respect to usage of a particular communication service by the given subscriber (col. 2 lines 30-36).

6. Claims 5, 8-36 are rejected under 35 U.S.C. 103(a) as being obvious over Malkin in view Rosenberg and further in view of O'Brien, Jr., U.S. Patent Publication No. 2003/0031165 A1, (hereinafter "O'Brien").

Regarding **claim 16**: Malkin discloses a RADIUS compatible server (col. 4 lines 24-28).

Malkin substantially teaches a method comprising:

receiving session initiation protocol compatible authentication message information as corresponds to an authentication message as sourced by a given subscriber (col. 2 lines 26-40);

converting the session initiation protocol compatible authentication message information into corresponding RADIUS protocol compatible authentication message information (col. 4 lines 27-28);

using the RADIUS protocol compatible authentication message information to facilitate authentication of the given subscriber (col. 4 lines 24-28).

Malkin fails to teach the use of Session Initiation Protocol. However, Rosenberg discloses the use of session initiation protocol. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to substitute the Link Control Protocol, as disclosed in Malkin, with the Session Initiation Protocol of Rosenberg in order to yield a predictable result.

Malkin and Rosenberg do not disclose the above method in conjunction with conducting a near-real-time multicast session using an Internet Protocol compatible communication service, generating billing information that pertains to the near-real-time multicast session as regards at least one given participating subscriber or providing billing information.

O'Brien discloses in conjunction with conducting a near-real-time multicast session using an Internet Protocol compatible communication service [0060], generating billing information

Art Unit: 2132

that pertains to the near-real-time multicast session as regards at least one given participating subscriber [0028] and providing billing information [0027]-[0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the multicast communication service and customer site configuration taught by O'Brien in order to provide applications like Internet telephony or video conferencing and provide accounting for the same.

Regarding **claim 30**: Malkin further discloses an authentication server comprising: a session initiation protocol compatible interface (col. 2 lines 49-57), and a RADIUS server interface to facilitate providing information to a RADIUS server regarding: authentication communications (col. 4 lines 24-28).

Malkin fails to teach the use of Session Initiation Protocol. However, Rosenberg discloses the use of session initiation protocol. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to substitute the Link Control Protocol, as disclosed in Malkin, with the Session Initiation Protocol of Rosenberg in order to yield a predictable result.

Malkin and Rosenberg do not disclose a billing mediation server comprising: near-real-time multicast communication services; a near-real-time multicast communications services server interface to facilitate receiving billing information from a near-real-time multicast communications services server regarding a multi-participant near-real-time multicast session.

O'Brien discloses a billing mediation server comprising: near-real-time multicast communication services; a near-real-time multicast communications services server interface to

Art Unit: 2132

facilitate receiving billing information [0027]-[0028] from a near-real-time multicast communications services server regarding a multi-participant near-real-time multicast session [0060].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg with the multicast communication service, customer site configuration, and billing system taught by O'Brien in order to provide applications like Internet telephony or video conferencing.

Malkin and Rosenberg also do not disclose generating billing information that corresponds, at least in part, to at least one of: a start time for a near-real-time multicast communication service; an end time for a near-real-time multicast communication service; an Internet Protocol address of a near-real-time multicast communication service server; an Internet Protocol address of a session initiation protocol compatible proxy; identifying information for an initiating party of a near-real-time multicast communication; and identifying information for a plurality of participants of a near-real-time multicast communication.

O'Brien discloses generating billing information that corresponds, at least in part, to at least one of:

starting and ending times for a near-real-time multicast communication service ([0028] length);

an Internet Protocol address of a near-real-time multicast communication service server [0038]-[0040];

an Internet Protocol address of a session initiation protocol compatible proxy [0043]-[0047];



Art Unit: 2132

identifying information for an initiating party of a near-real-time multicast communication ([0028] provide gathered information); and

identifying information for a plurality of participants of a near-real-time multicast communication ([0060] conference calling).

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Regarding **claim 5**: Malkin and Rosenberg do not disclose using a virtual authentication mediation server.

O'Brien discloses using a virtual authentication mediation server [0065].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the virtual authentication server as taught by O'Brien for the benefit of customers saving the expense of purchasing their own servers.

Regarding **claim 8**: Malkin and Rosenberg do not disclose facilitating authentication of the given subscriber with respect to usage of a particular communication service comprising a near-real-time multicast communication service.

O'Brien discloses facilitating authentication of the given subscriber with respect to usage of a particular communication service comprising a near-real-time multicast communication service [0060].

Art Unit: 2132

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the multicast communication service as taught by O'Brien in order to provide applications like Internet telephony or video conferencing.

Regarding **claim 9**: Malkin and Rosenberg do not disclose a one-to-many communication service.

O'Brien discloses a one-to-many communication service [0062].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the multicast communication service as taught by O'Brien in order to provide applications like video conferencing or conference calling.

Regarding **claim 10**: Malkin and Rosenberg do not disclose a voice communication service.

O'Brien discloses a voice communication service [0062].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the multicast communication service as taught by O'Brien in order to provide applications like Internet telephony or conference calling.

Regarding **claim 11**: Malkin and Rosenberg do not disclose a voice-over-Internet-Protocol. communication service.

O'Brien discloses a voice-over-Internet-Protocol. communication service [0062].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the multicast communication service as taught by O'Brien in order to provide applications like Internet telephony.

Regarding **claim 12**: Malkin and Rosenberg do not disclose generating billing information that pertains to a communication service as is provided to the given subscriber; providing the billing information to a RADIUS compatible server.

O'Brien discloses generating billing information that pertains to a communication service as is provided to the given subscriber [0027]-[0028]; providing the billing information to a RADIUS compatible server [0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to relieve customers of the need to maintain accounting equipment.

Regarding **claim 13**: Malkin and Rosenberg do not disclose generating billing information that pertains to a near-real-time multicast communication service as is provided to the given subscriber.

O'Brien discloses generating billing information that pertains to a near-real-time multicast communication service [0060] as is provided to the given subscriber [0027]-[0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Regarding **claims 14 and 17**: Malkin and Rosenberg do not disclose generating billing information that corresponds, at least in part, to at least one of: a start time for a near-real-time multicast communication service; an end time for a near-real-time multicast communication service; an Internet Protocol address of a near-real-time multicast communication service server; an Internet Protocol address of a session initiation protocol compatible proxy; identifying information for an initiating party of a near-real-time multicast communication; and identifying information for a plurality of participants of a near-real-time multicast communication.

O'Brien discloses generating billing information that corresponds, at least in part, to at least one of:

starting and ending times for a near-real-time multicast communication service ([0028] length);

an Internet Protocol address of a near-real-time multicast communication service server [0038]-[0040];

an Internet Protocol address of a session initiation protocol compatible proxy [0043]-[0047];

identifying information for an initiating party of a near-real-time multicast communication ([0028] provide gathered information); and

identifying information for a plurality of participants of a near-real-time multicast communication ([0060] conference calling).

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Regarding **claims 15 and 18**: Malkin discloses identifying information for a particular participant (col. 2 lines 30-31).

Malkin and Rosenberg do not disclose generating billing information for a portion of a near-real-time multicast session that comprises at least one of: a start time for the portion of the near-real-time multicast session; an end time for the portion of the near-real-time multicast session; a measure of data as was communicated during the portion of the near-real-time multicast session; an amount of transmission time as occurred during the portion of the near-real-time multicast session; an amount of reception time as occurred during the near-real-time multicast session; identifying information regarding a voice codec; total session initiation protocol bytes as were transmitted during the portion of the near-real-time multicast session; and total session initiation protocol bytes as were received during the portion of the near-real-time multicast session.

O'Brien discloses generating billing information for a portion of a near-real-time multicast session [0060] that comprises at least one of:

starting and ending times for a near-real-time multicast communication service ([0028] length).

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like video conferencing or conference calling.

Regarding **claim 19**: Malkin and Rosenberg do not disclose generating billing information that pertains to the near-real-time multicast session as regards a plurality of participating subscribers.

O'Brien discloses generating billing information that pertains to the near-real-time multicast session as regards a plurality of participating subscribers [0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like conference calling.

Regarding **claim 20**: Malkin discloses a RADIUS compatible server (col. 4 lines 24-28).

Malkin and Rosenberg do not disclose providing the billing information comprising segregating the billing information as pertains to each participating subscriber to provide segregated billing information.

O'Brien discloses providing the billing information comprising segregating the billing information as pertains to each participating subscriber to provide segregated billing information [0027]-[0028].

Art Unit: 2132

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for individual customers.

Regarding **claim 21**: Malkin discloses a RADIUS compatible server (col. 4 lines 24-28).

Malkin and Rosenberg do not disclose temporally parsed segregated billing information.

O'Brien discloses temporally parsed segregated billing information ([0028] length).

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for individual customers.

Regarding **claim 22**: Malkin discloses a RADIUS compatible server (col. 4 lines 24-28).

Malkin and Rosenberg do not disclose generating billing information that pertains to the near-real-time multicast session as regards at least one given participating subscriber comprises receiving, by a billing mediation server, at least some services usage information from a near-real-time multicast session server; and providing the billing information by a billing mediation server.

O'Brien discloses generating billing information [0028] that pertains to the near-real-time multicast session [0060] as regards at least one given participating subscriber [0028] comprises receiving at least some services usage information from a near-real-time multicast session server [0060]; and providing the billing information comprises the billing mediation server providing the billing information [0027]-[0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg with the multicast communication service, customer site configuration, and billing system taught by O'Brien in order to provide applications like Internet telephony or video conferencing and provide accounting for the same.

Regarding **claim 24**: Malkin discloses using a session initiation protocol compatible proxy to receive the session initiation protocol compatible authentication message information (col. 2 lines 49-57).

Regarding **claim 25**: Malkin discloses using an authentication mediation server to convert the session initiation protocol compatible authentication message (col. 2 lines 49-57).

Regarding **claim 26**: Malkin discloses an authentication mediation server (col. 2 lines 49-57).

Malkin and Rosenberg do not disclose a billing mediation server.

O'Brien discloses a billing mediation server [0027]-[0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg with the billing mediation server taught by O'Brien in order to provide central authentication and accounting.

Regarding **claim 27**: Malkin discloses a physically discrete authentication mediation server (col. 2 lines 49-57).



Art Unit: 2132

Malkin and Rosenberg do not disclose a billing mediation server.

O'Brien discloses a billing mediation server [0027]-[0028].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg with the billing mediation server taught by O'Brien in order to provide central authentication and accounting.

Regarding **claim 28**: Malkin and Rosenberg do not disclose a virtual billing mediation server.

O'Brien discloses a virtual billing mediation server [0027]-[0028] and [0065].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg with the virtual billing mediation server as taught by O'Brien for the benefit of customers saving the expense of purchasing their own servers and in order to provide central authentication and accounting.

Regarding **claim 29**: Malkin discloses using a RADIUS server (col. 4 lines 24-28) to use the RADIUS protocol compatible authentication message information to facilitate authentication of the given subscriber (col. 4 lines 29-37).

Malkin and Rosenberg do not disclose a near-real-time multicast session.

O'Brien discloses a near-real-time multicast session [0060].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide applications like Internet telephony or video conferencing.

Regarding **claim 31**: Malkin discloses a 3Q compatible interface (col. 2 lines 49-57).

Regarding **claim 32**: Malkin discloses a session initiation protocol compatible interface operably coupled to a session initiation protocol proxy (col. 2 lines 49-57).

Regarding **claim 33**: claim 33 is rejected as obvious over Malkin as modified by O'Brien and Barry in claim 30, above, for the same reasons as claims 14 and 17, above.

Regarding **claim 34**: Malkin discloses means to distinguish portions of a given session (col. 2 lines 30-31).

Malkin and Rosenberg do not disclose billing means for processing the billing information to provide temporally parsed billing information as corresponds to near-real-time multicast session.

O'Brien discloses billing means for processing the billing information to provide temporally parsed billing information [0028] as corresponds to near-real-time multicast session [0060].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Regarding **claim 35**: Malkin discloses means to distinguish individual participants of a given session (col. 2 lines 30-31).

Malkin and Rosenberg do not disclose billing means for processing the billing information to provide parsed billing information as corresponds to near-real-time multicast session.

O'Brien discloses billing means for processing the billing information to provide parsed billing information [0028] as corresponds to near-real-time multicast session [0060].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Regarding **claim 36**: Malkin discloses means to distinguish portions of a given session (col. 2 lines 30-31).

Malkin and Rosenberg do not disclose billing means for processing the billing information to provide temporally parsed billing information as corresponds to near-real-time multicast session.

O'Brien discloses billing means for processing the billing information to provide temporally parsed billing information [0028] as corresponds to near-real-time multicast session [0060].

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Malkin and Rosenberg by the customer site configuration taught by O'Brien in order to provide accounting for applications like Internet telephony.

Art Unit: 2132

***Conclusion***

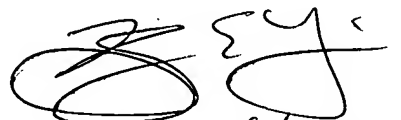
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval  
Examiner  
Art Unit 2132

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Benjamin E. Langer  
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Art 2132